Conservation Planning for Southern Resident Killer Whales Vessel Effects Workshop Notes March 22, 2004 Seattle Aquarium Seattle, Washington

CONSERVATION STRATEGIES (RECOMMENDATIONS FROM SMALL GROUP DISCUSSIONS)

Group 1. Spatial/time closures and conservation zones (as they would apply to commercial whale watching vessels)

Conservation zone options include:

- Moratorium on all whale watching for 5 years (but recognized as not realistic approach)
- Limits on the number of vessels in identified areas;
- Limits based upon size of vessels
- Limits on the amount of time that a vessel can spend in identified area
- Limitations on timing of whale watching activities (*i.e.*, winter whale watching (calving season) and shoulder seasons)

Identification of sensitive areas

- Areas used for critical behaviors (resting, socializing, foraging)
- Based on research results
- Close to shore (extending 1-2 miles from shore) to complement land-based viewing

Mechanisms for area/time closures

- Create a voluntary "no boat zone" (i.e., Lime Kiln)
- Creation of a federal marine sanctuary
- Consider County Ordinances that could limit vessel activities and zones e.g. a jet ski ban or speed limits
- Examine options for IMOs (International Maritime Organizations). It would be advisable to coordinate between the U.S. and Canada with respect to area and time closures.
- Limited access areas such as near Ferry Terminal

Other issues

- Need to update the Comparability Analysis- re U.S. and Canadian regulations and to make these uniform.
- Education must accompany enforcement to support any spatial or time limits
- When out of the closed areas, the regulations should be combined with guidelines
- Shore-based viewing should be fostered, including the additional of education kiosks. Installation of binoculars should generate revenue for stewardship.
- Questions raised as to whether certain vessels would be exempt from regulations that impose closures (commercial fishing vessels, ferries, etc..)

Groups 2 and 3. Management of "other vessels": opportunities, constraints, interagency and international cooperation and education strategies (for all vessel types)

Management suggestions

- Expand the distribution of USCG packets- e.g. at boat shows, fuel docks, training classes. The Coast Guard auxiliary model should be supported and expanded (U.S. and Canada). The Canadian Power Squadron currently distributes educational materials.
- Consider distribution of vessel registration packets that would include information on whales and how to behave around whales to vessel operators not for the purpose of obtaining a license, but this information should be provided as part of registration process.
- Expand the use of interpretive signs at parks, marinas, at ferry terminals and on ferries and on whale watching vessels. Consider having laminated field guides available at these locations.
- Target school districts and provide whale appreciation materials.
- Enhance the funding for Soundwatch and M3.
- Add links from education sites to NMFS sites on whales.
- Develop a mechanism for measuring the results of the awareness that has been created in whale watching encounters and educational efforts on board.
- Develop a strategy to address kayaks and how those boaters operate with whales.
 Get educational materials to these recreational boats which often come very close to the whales

Specific to commercial whale watch vessels:

- Encourage more interpretative time on vessels.
- Frame whale watching in a total environmental experience with messages regarding habitat, ecosystem, etc..
- Provide collection boxes (donations to stewardship) on all vessels and encourage industry-wide promotion of the use of these boxes.
- Impose a general stewardship fee as part of every ticket price.
- Encourage creation and use of one simple data sheet for the Whale Watching boat operators that would record when they left the dock, the number of passengers, time and location of encounters and time at sea. This summary log would provide valuable data.

Other issues

- Guidelines or educational efforts regarding vessel behavior in the presence of whales should always be prefaced with information on why the guidelines are necessary and what they are intended achieve. This should be added to literature that is available or created.
- Impacts to whales could be exacerbated if the whale watch operations were reduced, but then replaced by individual boat owners who are not educated about how to operate in the presence of whales and don't educate the public.

 Need a strategy to build a consensus among all boat users, operators and owners that there is a problem or else all should operate under the precautionary principle.

Group 4. Sonar and Research Topics

Recommendations regarding use of sonar:

- Continue the dialogue with the Navy
- Continued research on potential effects of sonar on whale behavior
- Obtain an official commitment regarding limitations on use of Navy sonar in inland waters (documentation of current practice of obtaining approval for deployments through chain of command)
- Develop a communication protocol with the Navy prior to use of sonar (assist in identifying sensitive areas and times)
- Identify a means to verify the use of sonar and presence of whales
- Monitor marine mammals during use of sonar to identify any impacts and mitigation measures
- Develop a methodology for obtaining ambient baseline sounds in the areas of concern (Chatham St-south end of Vashon and Outer Coast) for L-Pod impacts.
- Recommendations should be based on science. There could be different approaches for different geographic areas.

Other sonar issues

- Questions were raised regarding the need for a regulatory approach. Consistency of rules across vessel types is important.
- Participants emphasized that the goal is to apply any restrictions in the use of sonar to all vessels, not just naval vessels and throughout the range, not just in Puget Sound.

Research Topics

- Concentrate on identifying and protecting L-pod breeding area (based on gestation, calving season)
- Retrospective reproductive studies
- Brucillosis occurrence
- Look at stress indices: theodolite, skin samples, fecal hormones
- Acoustic monitoring for noise from boats, pile driving and airguns

Other research issues

- Researchers need some "quiet" time to do research on noise.
- Researchers should do modeling of fleet size, toxins and availability of prey with objective of looking at how all three effects interact.

Group 5. Regulatory approaches, enforcement and monitoring

Management suggestions

- Regulations (*i.e.* codifying the Guidelines) should be mindful of science and should be responsive to changes in scientific information
- Regulations could be based upon temporal or spatial zones
- Examine how the "Be Wise" Guidelines compare to regulations elsewhere and determine what has worked and what has not worked.
- Trans-border consistency needs to be addressed in regulations that might emerge
- Additional budget allocations for enforcement are crucial
- Training with respect to how the Guidelines are interpreted and appropriately applied should be given to: Vessel Operators, Enforcement Personnel and as part of outreach to the public in general
- Enforcement with respect to aircraft "whale watching" is necessary. Concepts could include establishing a ceiling for aircraft flying over whales such as has been imposed in Olympic National Park

Other issues

- Any enforcement efforts/regulations have to apply the definition of harassment in a different manner. Instead of trying to ascertain whether the vessel operator or vessel activity has resulted in a change in the animal, the enforcement officer should be able to make a finding based upon the human behavior that was observed. An approach that is more objective than "harassment" should be developed. (*E.g.* in Canada, violations of the Guidelines equals harassment could be possible outcome of recent court cases)
- Need a harmonized approach to look at the continuum from guidelines to regulations. If and when regulations are required, one has to examine how to make them consistent between the U.S. and Canada or the vessels will take advantage of the differences. Otherwise the public is confused and compliance with voluntary guidelines and enforcement of regulations becomes difficult.